

5684

591.c.24
#12

THE
Right of Succession
TO THE
EMPIRE
OF
GERMANY,
H hereditary and Elective.

CONTAINING

- I. A Short Account of the Succession of the Emperors of *Germany*.
- II. The Coronation, Dignity, and Power of the Emperor.
- III. The Election of the King of the *Romans*.
- IV. The College of the Electors.
- V. The *GOLDEN BULL*.
- VI. The Rights of the House of *Austria* to the Monarchy of *Spain*.

London:

Printed and Sold by *J. Baker*, at the *Black Boy*,
in *Pater-Noster-Row*. 1711.
Price Six Pence.

5684



The Right of Succession to the EMPIRE, &c.

C H A P. I.

*Containing a Short Account of the Succession of the
Emperors of GERMANY.*

CHARLEMAGNE, or CHARLES the GREAT, King of the Franks, having been (A. D. 800.) created and Crown'd Western Emperor, his Descendants possess'd the Imperial Dignity by Hereditary Right from Father to Son: Yet those Wise Emperors, the better to establish their Dominion, used to get their Last Wills, before their Demize, confirmed by the Princes and Great Men. This Confirmation was the Source of the *Elective Power*, that has been practis'd in the German Empire ever since the Death of Lewis IV, the Eighth and Last Hereditary Emperor of the *Carolingian* Family; who leaving no Issue Male, the German Princes and Great Men assembled at Wormes, where, in opposition to the *unquestionable Hereditary Right* of Charles the Simple, King of France, they would have Elected Otho Duke of Saxony, Emperor; which he refusing, by Reason of his advanc'd Age, they (in the Year 912) conferr'd that Title on Conrade, Duke of Franconia

A 2 and

and *Hesse*, who was the *First Elected Emperor*, properly so call'd.

From this Time the Empire pass'd by Turns, thro' the several Families of *Saxony*, *Swabia* and *Franconia*, till the Death of *Conrade* the IVth the 18th Elected Emperor, which happening in the Year 1254, *William Count of Holland* was advanc'd to the Empire.

After his Death, the *German Princes* had much ado to get any one to accept the Imperial Dignity. At last *Conrade Archbishop of Colen* sent, or went himself to *London*, to offer the Empire to *Richard Duke of Cornwall*, Brother to *Henry III. K. of England*, who accepted thereof, went into *Germany*, and was elected (1257.) at *Franckfort*. But finding that Dignity too chargeable for him, and having expended all he was worth to maintain it, he freely resign'd it, and return'd to *England*, after he had enjoy'd it not much above Two Years.

Before this Resignation *Alphonso X. King of Castile*, was also Elected Emperor, by a contrary Faction, but he declin'd the Offer; and would not leave *Spain*, so that there was an *Interregnum* of Fifteen Years, from the Emperor *Richard's Abdication*, to the Election (1273.) of *Rhodolph Count of Habsburgb*, the 22d Elected Emperor, and the *First* of the *Austrian Family*.

After his (1292) Death, his Son, Duke *Albert of Austria*, put in for the Empire, but thro' the Intrigues of the *Archbishop of Mentz*, Count *Adolph of Nassau* carried the Election.

Adolph being defeated and kill'd in Battle by *Albert I. of Austria*, the latter who had already been chosen *K. of the Romans*, and afterwards Emperor, was Elected and Crown'd (1298.) anew.

After

After his Decease, *Henry VII.* Count of *Luxemburgh* was the 25th Elected Emperor; And upon his Demize, *Lewis V.* of the *Bavarian* Family, and *Frederick III.* of the *Austrian*, enjoy'd the Empire, some Years together, and then *Lewis V.* possess'd it alone, till the Year 1347.

He was succeeded by *Charles IV.* King of *Bohemia* the 27th Elected Emperor, whose Son *Wenceslaus* having inherited the Kingdom of *Bohemia*, by his Father's Death, was also chosen Emperor.

This *Wenceslaus* was deposed (1400) by the Electors, who first chose *Iodocus* Marques of *Moravia*, Cousin German to the late Emperor; but dying soon after, they elected *Frederick* Duke of *Brunswick* and *Lunenburg*; who having, not long after, been kill'd by Count *Waldeck*, they chose (1400.) in his Room *Rupert* or *Robert* Count *Palatin*.

Upon his Decease in 1410. *SIGISMUND*, Son of the Emperor *Charles IV.* and Brother to the Emperor *Wenceslaus*, who had reign'd in the Kingdom of *Hungary* 27 Years after the Death of *Lewis* his Father in Law, was advanc'd by his great Merit to the Imperial Dignity, in the Year 1411, and by his First Wife *Mary*, Daughter of the King of *Hungary*, brought that Kingdom into his Family, tho' he had no Issue by her.

By his Second Wife *Barbara Elizabeth*, Daughter of *Harman* Count of *Cilley*, he had only *Elizabeth*, married to *ALBERT II.* of *AUSTRIA*, who, in her Right, succeeded his Father-in-Law, in the Kingdoms of *Hungary* and *Bohemia*, in December 1437, and about three Months after was elected Emperor.

This *Albert* had acquired so great a Reputation, that he was call'd the *Wonder of the World*: His Posthumous Son *Uladislaus* came to be King of

of *Bohemia* and *Hungaria*, but upon *Albert's* Death, *Frederick III.* his Cousin *German* was (1439.) chosen Emperor.

Maximilian I. Son of *Frederick III.* having been Elected and Crown'd King of the *Romans* during his Father's Life-time, found no great Difficulty in getting himself advanc'd to the Imperial Throne after (1493.) his Death.

Maximilian had only one Son *Philip*, who liv'd to Man's Estate; was Governor of the *Low Countries*; and by Marriage with the *Infanta Johanna*, Daughter of *Ferdinand* King of *Spain*, became possess'd of the Kingdoms of *Arragon* and *Castile*, with the Title of *Philip I.* He dy'd 12 Years before the Decease of his Father *Maximilian*, which happening on the 12th of *January* 1519. his Grandson *CHARLES V.* (born the 22d. of *Sept.* 1500.) was soon after advanc'd to the Imperial Dignity: Which *Frederick the Wise*, Elector of *Saxony* generously refus'd, and gave his Vote for *CHARLES.*

In the Year 1555. *Charles V.* resign'd the Monarchy of *Spain*, to his Son *Philip II.* who had marry'd *Queen Mary*, and had been Crown'd King of *England*; and in 1556. resign'd also the Empire to his Brother *Ferdinand I.* who got his Son *Maximilian II.* chosen King of the *Romans* in 1562. and dying two Years after, was succeeded by him in the Empire.

Maximilian II. secur'd the Succession of *Hungary*, *Bohemia*, and the Empire to his Son *Rhodolph II.* who upon his Death (1577.) was Crown'd Emperor, but was never marry'd.

Upon his Death, in 1612, the Electors advanc'd to the Imperial Dignity, his Brother *Matthias*, who dying (1619.) without Issue, was succeeded in his Kingdoms and (1619.) in the Empire by his Uncle *Ferdinand II.* Archduke of *Austria*.

About

About two Months before his Death, which happen'd the 25th of *February* 1637. N. S. *Ferdinand II.* secur'd the Empire to his Son *Ferdinand III.* by getting him to be chosen King of the *Romans*. *Ferdinand III.* made his Son *Leopold I.* King of *Hungary*, in 1655. and of *Bohemia* the Year following. He would likewise have got him chosen King of the *Romans*, but dy'd (the 20th of *April* 1657. whilst he was preparing Matters for that Purpose.

Notwithstanding the Intrigues of the King of *France*, who endeavour'd to get himself chosen Emperor, the Electors advanc'd *LEOPOLD I.* to that Dignity on the 18th of *July* 1658.

The Emperor *Leopold* had, among other Children, by his third Wife *Eleonora Magdalena Theresa*, eldest Daughter of *Philip William* Duke of *Neubourg*, and *Elector Palatine*, two Sons, *viz.* *JOSEPH-James-Ignatius-JOHN-ANTHONY-Eustace*; who in the Year 1690 was chosen King of the *Romans*, succeeded his Father on the 5th of *May* 1705, and dy'd on the 17th of *March* 1711. N. S.

And *CHARLES-Francis-Joseph-Wenceslaus-Baltasar-John-Anthon-Ignatius*, the present King of *SPAIN*: Whom the High Allies have resolv'd to advance to the Imperial Dignity.

C H A P. II.

Of the CORONATION, DIGNITY, and
POWER of the EMPEROR.

When the Kingdom of Italy was reputed part of the Empire, the German Emperors were also Crown'd with the Crown of Lombardy, which is made of Gold, and adorn'd with Diamonds; but having a little Band of polish'd Iron within it, gave it the Name of the Iron Crown; but now they dispence with that Journey, and also that of being Crown'd at *Rome*, without any abatement of their Antient Rights to those Crowns; for it is settled by a Law made at *Francfort*, *Anno 1388*, and ratified at *Cologn*, *Anno 1339*, that the first Election and Coronation of *Germans* supply'd those Omissions, and invested the Emperor with all the Rights and Dignities of the *Roman* and *German* Empire; And being confirm'd by the Pope, he has the Quality of *Sovereign Monarch*, and the First Prince in *Christendom*, and all things are done in his Name, tho' at the same time the whole Empire acts in general. He has Authority to Convoke Dyets and other Assemblies, and to Prorogue or Dissolve them. The Resolutions of the Council, and the Decrees of the Imperial Chambers, and the Court, are executed in his Name. He confirms all Foreign Alliances and Treaties; confers Ecclesiastical Preferments, not by the Popes Concession, as Ecclesiasticks wou'd

wou'd suggest, but by Immemorial Right, ever since there were Bishops in the Empire. He has also the Power of conferring Secular Dignities, as those of King, Prince, Arch-Duke, Duke, Marquis, Landgrave, Earl and Baron: Thus *Henry II.* erected the Dutchy of *Hungary* into a Kingdom, in favour of *Stephen*, who was then but a Duke, *Ladislaus*, Duke of *Bohemia*, was made King of *Bohemia* by the Emperor *Henry IV.* The same Examples of the Imperial Authority might be shewed in all other Degrees and Titles, which extend not only to the Subjects of the Empire, but also to Strangers, as *John Earl of Arundell*, was made a Count of the Empire, by *Rhodolph II.* *Robert Dudley* was made a Duke of *Northumberland* by *Ferdinand II.*, in 1620. and two late Examples, *Charles Granville Viscount Lansdown* Baron *Granville* of *Kibkampton*, was created a Count of the Sacred Roman Empire, and the Duke of *Malborough*, Prince of *Mindelheim*, by the last Emperor's Father.

The Emperor has the Right of deciding the Precedency among the Princes and States of the Empire; the Power of Life and Death, granting Pardon to Criminals, and of disposing the Offices of the Court and the Empire, excepting that of the *Imperial Chancellor* which belongs to the Elector of *Menz*. He also Coins Money, Grants Fairs and Markets, Receives and Disposes of the Revenues of the Empire, and has the Right of Resuming the Estates and Revenues of the Empire which have been usurpt or alienated; but the Chief of all the Rights he possesses, is the Disposition of the Estates and Principalities that fall to the Empire, by Forfeiture, or otherwise.

But he cannot Raise new Taxes, or lay Impostions upon the People, without the Consent of the Neighbouring Estates, and the Unanimous Agreement of all the Electors by Majority of Voices, nor can he put any Prince to the *Imperial Ban*, Confiscate his Estate, or deprive him of his Voice in Dyets, nor Alienate the Estates or Revenues of the Empire, without the Approbation of the Electors and the other Princes and Estates. And tho' all things being acted in his Name, has led some People to think his Power is greater than in Truth and Reality it is: 'Tis certain, he cannot alter the establish'd Religion, nor make and publish New Laws, or abolish Old Ones, nor suppress the Courts of Justice, nor raise the Price of Money; alter Weights and Measures, nor declare War, either within or without the Empire, except upon present Occasions, in pure Defence of his own Person, and before a Dyet can be assembled. Nor can he by his own Authority impose general Contributions; ! Raise Men; Quarter his Troops, build New Fortresses, or make Peace without the Consent of the Estates of the Empire; for they having, by woful Experience, observed that many Emperors had attempted to make themselves *absolute*, and their Subjects Slaves to their Wills and Pleasure, they made the Imperial Dignity subject to such necessary Restrictions as might secure the Empire in their Rights, without Danger of falling under an Arbitrary Power. This happy End they obtained by Capitulating with their Emperors before their Election, and obliging them to consent to such Proposals as they thought necessary for their own Safety; otherwise they would not Elect them; and by these Means, they regain'd the Rights

Rights which are and must be observed to Perpetuity. These Proceedings were in Nature of a CONTRACT between the Empire and the Emperor before his Election, and were Ratified in the first Place after he was Proclaim'd; which continues as a Barrier to the Emperor's Authority; prevents his assuming a Despotick Power, and renders the *Imperial Government* a kind of a *mixt Monarchy*. This Contract or Capitulation was originally the Foundation of their Constitution, but being Impair'd by Degrees, as their Emperors encreas'd in Power, it was introduc'd *de novo*, under the Reign of the Emperor *Charles V.* who having Large Dominions out of the Empire, the Electors apprehended he might Infringe and Prejudice the Liberties of *Germany*, and therefore made these Conditions an irrecoverable Law which the Emperor submitted to, and has continued in Force ever since.

Now as the Emperor's Authority receiv'd such considerable Diminutions, from what they were aspiring to after, so it was no less astonishing to find his Revenue shrunk to a Sum, scarce able to support the Grandure of his Dignity; for tho', in Hereditary Kingdoms there is no Distinction between the King's own Patrimony, and the Demesn of the Crown, which make great Additions to his former Wealth; yet it is not so in Elective Kingdoms, where the Son does not always succeed the Father, and therefore the Possession of the Crown to aggrandize his own Family, takes what he can from the Demesn of the Imperial Crown; by which Means, since the Empire became Elective after the Death of *Louis III. Saxony, Franconia, Suabia, Bohemia, and*

Several other Provinces were given to the Heirs of those Houses, to the great Impoverishment of the Imperial Dignity, to those who succeed by way of Election. Besides this, all those Places that were Feudatary to the Emperor in *Italy*, are in great Measure fall'n off. Several Cities of *Germany* have purchased their Liberties and Exemptions with their Money of former Emperors; and other Places have asserted theirs by Force, so that the Demesns of the Empire, which under *Frederick I.* were valued at 18 Millions of Livers, were reduc'd almost to nothing but what was rais'd by Taxes, Subsides, Customs, and such like Impositions; insomuch, that the Emperor *Charles IV.* told the Deputies, The Estates of the Empire sent to him, that he receiv'd a much greater Revenue from *Bohemia*, than all the rest of the Empire: And Cardinal *Granville* openly told the Landgrave of *Heß*, That *Charles I.* his Master, drew no Profit from the Empire, and that the German Princes ought to esteem it their Happiness, that they had a Monarch who was able by his own Estate, to maintain the Imperial Dignity. At that time there was but one City that belong'd to the Emperor, as Emperor; for all the Lands were divided among the Electors, Princes, Bishops, Abbots, Earls, Lords, and free Cities; so that when the Emperor came into those Parts, the Bishop of *Bamburg* withdrew from his own House to give the Emperor Entertainment. This View of the Weakness of the Empire, in Respect to its Revenues, would tempt one to enquire why the House of *Austria* should strive with so much Zeal and Care to preserve the Imperial Crown in their Family since they draw so little Profit from the Demesns; but this Objection will soon vanish,

vanish, when we consider they enjoy many real and solid Advantages, which supply pecuniary Defects, tho' they are less Apparent and Visible, for besides the Glory of being the first Prince in Christendom, he has the Power of disposing of all forfeited Estates and Honours to the Profit of his own Children, the best Means of Aggrandizing his House, and putting them into a Possibility of Changing the *Elective Empire* into a *Hereditary Monarchy*. *Austria* and *Styria*, forfeited by *Ottocar King of Bohemia*, came by this Means into that Family, by the Gift of the Emperor *Rhodolphus*. A good Port of *Suabia* by the Death of *Conradin*, youngest Son of the Emperor *Frederick*, was acquired by the same Method. The Dutchy of *Milan* being at the Disposal of *Charles the Vth*, instead of annexing it to the Demeans of the Empire, he join'd it to his own Hereditary Dominions, which with the Alliances that August House has made in all the Potent Families in *Christendom*, renders them more Considerable than is commonly imagin'd. It was this Imperial Dignity that occasion'd the Marriage between *Henry Frederick the First*, and the Heiress of *Naples* and *Sicily*, and of *John Son of Henry the VIIth* with the Inheritrix of *Bohemia*. 'Twas this Consideration alone that annex'd the Provinces of the *Low Countries* to the Estates of *Austria*, by the Marriage of *Maximilian* with the Heiress of *Burgundy*, and which united *Austria* with the Kingdoms of *Hungary* and *Bohemia*, by the Marriage of *Ferdinand I.* with *Anne the Heiress of those Crowns*; so that there is no Cause to wonder why the House of *Austria* should endeavour to perpetuate the Imperial Crown in their Family, tho' the Revenues of that Dignity be not pro-

proportionable to those of other Monarchies. For besides the Ordinary and Extraordinary Duties and Impositions arising from the Imperial Cities and otherwise, the Revenue is very small; But then if they are but *Poor Emperors*, they are *Rich and Potent Princes* and to give a great Weight to all the Affairs of *Christendom*: And *England* will not, I hope, easily forget that the Firm Adherence of the House of *Austria* to the Interest of the late King *WILLIAM*, of ever Glorious Memory, contributed not a little to the Settlement of this *REVOLUTION*, to which we owe our present *Happiness*, and the *Protestant Succession*.

C H A P. III.

Of the KING of the ROMANS.

IN Ancient Times the Dignity of King of the *Romans* was unknown in the Sense it is now receiv'd; for from the time of the First Emperors to that of *Charlemaigne*, the Emperors themselves were Kings of the *Romans*; that is to say, Sovereign Princes of the City of *Rome*, Kings of the *Romans*, and Emperors in the same Person; and therefore when *Charlemagne* destin'd his Eldest Son to be his Successor in the Empire, that he might give him Honour and not confound the Titles, or lessen his own Authority, he made him King of *Italy*; which Quality was enjoy'd by his Son *Louis the Debonair*, and *Lothair I*; who following his Example, gave their Presumptive Heirs the same Dignities, which in those Times signified as much as *Cæsar* under the First Emperors; and as a King of the *Romans* now. This last Quality began in the Reign of *Otbo I.* when the Princes out of a Caprice of Devotion, believing that the Title of Emperor was in the Gift of the Pope, and being unwilling to thwart him, would not give the Title of Emperor to his Son when he Crown'd him, but only that of King of the *Romans*, which he had Power to dispose of, as Sovereign Prince of the City of *Rome*; and several Emperors, in those Days

Days, contented themselves with this Title only, which by Virtue of their Elections, invested them in the full Possession of the Empire, and the Imperial Dignity, till they could obtain the Name of Emperor when the Pope thought fit to Crown them.

But now the King of the *Romans* is taken under another Acceptation, as one that is Elected to that Dignity by the Princes of the Empire, during the Life of the Emperor, and who has the Management of all Affairs in the Emperor's absence, as Vicar General of the Empire, and by Virtue of that Election, succeeds *Emperor* after the Death of the former, except there be a necessity for Election or Confirmation. This by some is look'd upon as an Artifice in *Charles V.* to make the Empire in a manner Hereditary without Noise or Trouble; And the Project has succeeded in the House of *Austria*, in making them first Kings of the *Romans*, and then they were sure of being Emperors in course, as in the Examples of *Maximilian I.* *Ferdinand I.* *Maximilian II.* *Rodolphus II.* and *Ferdinand III.* and the last Emperor: For which Reason the Elector of *Saxony* and the Confederates of *Smalkald* protested against this secret Design of *Charles V.* and Methods were afterwards propos'd to regulate that Affair; but at length in the Year 1532. this Matter was Accommodated between *Charles* and the Electors, and other Princes, who, it seems did not look deep enough into the Affair, nor saw what would be the Consequence of it.

The King of the *Romans* being chosen by the Electors of the Empire, the Emperor is then invited to the Assembly, by the Electors, to confirm the Election, which being done, the King of the *Romans* is Proclaim'd and Crown'd; not with an Imperial Crown, but an Open Crown, which they call the *Roman*; nor do they take an Oath of Fidelity to him, till after the Death of the Emperor: They also give him the Title of AUGUST, but not that of *Always August*, which is reserv'd to the Emperor. They also make a Difference in their Arms, for the King of the *Romans*'s is only an Eagle Display'd with one Head, but the Emperor's is an Eagle Display'd with two Heads. He has no Authority while the Emperor is in the Empire; but when he is out of it, the King of the *Romans*, as the second Chief and Perpetual Vicar of the Empire, governs all Affairs as if the Emperor was present; is treated with the Title of *Royal Majest*, and has the same Respect and Honour paid him, as if he were Emperor; only with this Difference, that the Marshal of the Court carries the Sword before him in the Scabbard, but before the Emperor, Naked.

C H A P. IV.

Of the COLLEDGE of the Electors.

IN ancient Times, when the Estates and Members of the Empire were oblig'd to confer together about their common Affairs, they all met in the same Place, and form'd but one Assembly, where they receiv'd the Propositions the Emperor was pleas'd to make them, and consider'd and decided the Affairs before them. And as one of the most important Bu-

finest of the Empire was the Election of an Emperor, so that Choice was made by the Princes and People jointly; but after the Death of *Lothair the II.* the Princes, who had already excluded the People from their Right of Election, being met together at *Coblentz*, to Elect the Successor, they resolved, before all Things, to proceed in this Order. They nam'd seven among themselves, three Arch-bishops for the Ecclesiastical Estate, and four secular Princes for the Nobility, &c. One King, one Count Palatine, one Marquis, and one Duke, and they were of the most considerable Persons that carried those Titles.

These confiding in their own Power, invested themselves with Authority to Elect the Emperor. On this Manner *Couade the Third*, and *Frederick the First*, were chosen Emperors: Tho' both these Elections were contested, one by *Henry the Proud*, Duke of *Saxony*, and the other by *Henry the Lyon*, his Son and Successor, as transacted and carry'd contrary to Law, and the antient Customs of the Empire.

The new Electors continu'd the same Manner of Election, during 75 Years, under the Reigns of *Henry VI*, and *Philip of Suabia*, *Otho*, *Frederick II*, and then making this long *Possession* a kind of *Right*, gave themselves the Title of Electors during the *Interregnum* which followed the Death of *Frederick II*. They authoriz'd themselves the more easily, as being the most considerable, and most powerful Princes in the Empire; and making themselves Arbitrators of the Government, nam'd *Rudolphus I*, and the Emperors following, without any Contests among the Estates, tho' it was an Invasion upon the antient Custom. At length the Emperor *Charles IV*, turn'd this Practice into a Fundamental Law of the Empire, and publish'd it in the **GOLDEN BULL**.

The Electors having thus began, since the Reign of *Frederick II*, to assemble separately, for Election pretended

pretended to the Right of holding their Conferences apart for the other Affairs of the Empire, without Regard to the Protestations that the Princes and the Imperial Cities made against this Separation. This made the Princes and the Imperial Cities take up a Resolution, also, of Assembling in separate Bodies to make their Consultations ; and these three Bodies of the *Electors*, the *Princes* and the *Imperial Cities*, form'd also *different Classes*, which they call'd *Colledges*, which Distinction was receiv'd and establish'd in the Diet held at *Francfort* in the Year 1580. 'Tis foreign to my Purpose to shew how the Colledges were employ'd at that Time, both in their particular and general Assemblies, because, as since that Time there has happen'd among them divers Changes in their Ranks, Seats and Voices, so the whole Matter being regulated by the Treaty of *Westphalia*, it shall suffice to explain here what properly belongs to the Electors.

The *Electors* have two Characters in one and the same Person, *viz.* One which is common with the other Princes of the Empire, and the other is particular to themselves. By the First they are Sovereigns in their own Dominions, and in that Quality their Subjects owe them Homage and Oaths of Fidelity ; they have the Right of the Sword in Punishing Criminals, and in making War. They have the Right of making Laws ; Establishing Tribunals in their Estates, and regulating Justice and Policy ; of Coining Money ; Imposing Taxes, and making Confederacies and Alliances with the other Princes of the Empire, and Foreigners, for their particular Interests ; of Fortifying Places ; Levying Troops ; making Arcenals, and Casting Cannon. They have also Power to grant Pardons ; to licence Fairs and Markets, to permit or prohibit Hunting, Setting, Fowling, and Fishing, and to disinherit for Bastardize and otherwise. They raise Tenthys upon the Mines and Salts, and have their Share in Treasures when

discover'd. They send and receive Ambassadors; they contract Marriages; and grant Dispensations for Marriages to those who profess the *Protestant* Religion within their Dominions.

These Rights they enjoy without Dispute or Molestation. But there are many Things in which they cannot exercise an absolute Authority: As for Example, They cannot give any other Value to Money, or make any other Kind of Money, than what is allow'd by the Empire: They cannot enlarge their own particular Authorities, nor lay Tolls, nor Customs upon Bridges, Rivers, Passages thro' their Estates, to which Strangers are subject, without the Consent of his Imperial Majesty in full Dye. They cannot, under Pretence of Securing their own Estates, enter into any Confederacy that directly, or consequentially may tend to the Prejudice of the Empire, and the Fidelity they have sworn to it: As for Example, If any Elector, or other Prince, shall, for the Preservation of his own Estates, engage with Foreign Princes in a League, or Neutrality; and in pursuance of that League, or Neutrality, shall think himself oblig'd to arm in Defence of this Treaty, that Elector, or other Prince, shall be restrain'd by Virtue of his Oath of Fidelity to the Emperor and the Empire; and if, after warning given him, he grows Contumacious, he is to be proceeded against at the Discretion of the Emperor, and his great Council of the Estates of the Empire. For tho' such Offending Princes are Sovereigns in their own Territories, yet they are Subjects to the Emperor and the Empire, and must prefer their Duty before their particular Safeties; for their Losses may, and ought to be repair'd, but the Destruction of the Empire cannot.

The Three Electoral Arch-Bishops, Bishops, and Abbots, were some time Invested and Confirm'd by the Emperor, by the delivery of a Ring and a Rod,

or

or Staff; but Pope *Gregory VII.* having fulminated against this sort of Investiture as Symoniacial, the Emperors have since contented themselves with the Homage of these Prelates for their Temporalities belonging to the Empire; and on this Foot the Ecclesiastical Electors give their Suffrages at the Election of an Emperor, tho' they have not receiv'd their Pall from the Pope; because the Electoral Dignity is Secular, and appertains to the Principality, and not the Ecclesiastical Offices.

The Secular Electors succeed in the Electoral Dignity, and so their Electorates from Father to Son, *ad infinitum*, continue always in the Oldest Male Branch, in a Lineal Succession, and never fall from it to the Younger Brothers, or other Relations, till the intire Extinction of the Eldest of the Family.

We shew'd already, That the King of the *Romans* Elected, during the Life of the Emperor, was, in his Absence, perpetual *Vicar General of the Empire*, and as his Quality of Vicar-General ceases only by his Advancement to the Imperial Dignity, which immediately happens upon the Death of the Emperor, so it follows, that the Vicars-General Born, cannot Exercise their Functions when there is a King of the *Romans*, but must wait for an *Interregnum*; but when there is no King of the *Romans* Elected, (as at this Juncture) they may exercise their Offices as soon as the Emperor is Deceas'd.

Before the Elector of *Bavaria* was Invested with the Electoral Dignity, that antiently belong'd to the Elector *Palatine*, the Prince *Palatine*, and the Duke of *Saxony*, were the two Sole Vicars of the Empire; but since the Treaty of *Munster*, wherein it was decreed, *That the Electoral Dignity which the Princes Palatine had formerly possess'd, with the Rights, Regalities, Offices, Precedencies, Ornaments, Arms, and Rights whatsoever, shou'd continue to the Lord Maximilian, Count Palatine Duke of Bavaria, and his Children: The Elector of Bavaria*

Bavaria pretends, that this Vicariate belongs to him, Exclusive of the Prince *Palatine*; and that the Terms of the Treaty had decided the Question in his Favour. The Elector *Palatine*, on the contrary, has always maintain'd, that the Vicariate was not annex'd to the Electoral Dignity, but the Count *Palatine* of the *Rhine*, agreeable to *Antient Custom* and the *Golden Bull*, which expressly saith, *That the Count Palatine of the Rhine is Vicar of the Empire, in regard of his Principality, or by virtue of the Priviledge which particularly affects the Palatinat*; and that it cannot pass into another Family. However, the Duke of *Bavaria*, after the Death of *Ferdinand III*, in 1657, being assisted by other Electors, carry'd it against the Elector *Palatine*.

The Powers of these Vicars are to name Persons to Benefices, have the Rights of the *Regalia*, call'd *Jus Primarium Precum*; to receive the Revenue of the Demands of the Empire; and dispose of it to the Publick Advantage; and, in short, to do all that the Emperor himself cou'd do in Person.

The Secular Electors have every one a *Vicar* to assist them in the Discharge of the Great Offices of the Imperial Crown, which are annex'd to their Electorates. These Vicars are Hereditary Officers of the Empire, and Exercise all the Powers of the Princes they represent in their Absence, exclusive of their Ambassadors. The King of *Bohemia*'s Vicar, is the Baron of *Limburg*. The Elector of *Bavaria*'s, is one of the Family of *Walburg*. The Elector of *Saxony*'s, is Count *Papenbeim*. The Elector of *Brandenburgh*'s, is Count *Hobenzollern*; The Elector *Palatine*'s, is Count *Zinzendorf*; and the Elector of *Hannover*'s, is Count _____.

When the Electors are in Person at the Election of an Emperor, or at other Solemnities, they discharge their Offices themselves, as is directed in the 27th Chapter of the **GOLDEN BULL**, and their Vicars only attend at the Gates of the City of *Frankfort*, to assist their Electors in mounting and dismounting

ing their Horses, for which little Service they are rewarded with the Horse the *Elector* rides on, and the Plate which he is serv'd with, in the Exercise of his Office; but when the Electors are Absent, the Vicars serve the Emperor in all the Offices that the *Electors* should do, if they were present.

The Office of High-Treasurer of the Empire, conferr'd upon the *Elector Palatine*, has been settled since the Treaty of *Westphalia*; and consists, principally, in distributing *Medals* by Way of *Largess*; and throws Pieces of *Gold* and *Silver* among the People, at the end of Coronation of the Emperor, or the King of the *Romans*.

Here we must not forget to declare, that among all the Offices of the *Vicars*, that belonging to the *High-Marshal* of the *Empire*, has the greatest Employment: For, in the *Absence* of that Elector, he has the Care of Lodging the Princes, and other Estates of the *Empire*; and of introducing the *Emperor* into the Hall of Audience, or the Assembly. He also prepares the *Throne*, and ranges the Seats of the *Electors*, the Princes and the Deputies of Cities. He gives them Notice at what Hour the Assembly will be held; calls them one after another; takes their Suffrages in the Assembly; counts their Voices; sets the Guards at the City Gates, where the Election is made; at the Chambers where the Electors are Lodg'd, and at the Assembly, and keeps the Keys of the Doors, when they are shut, with several other Offices, too tedious to be here rehears'd.

C H A P. V.

The GOLDEN BULL: (So call'd because a Seal of Gold was affix'd to the Instrument.)

CHARLES IV. by the Grace of God, Emperor of the *Romans*, &c. after a serious and deliberate Consultation in our Court, and solemn Assembly at *Nuremberg*, in the Presence of all the Princes, Electors, Earls, &c. and by our Imperial Authority, we have made and publish'd, by this Edict, the following Laws, to maintain the *Union* between the Electors, to establish a Form of the Election of the King of the *Romans*, and to prevent all manner of Differences which may arise, in or about the said Election, establish'd to Perpetuity in the Year of our Lord 1356.

S E C T. I.

How and by whom the Electors are to be safely conducted to the Place of Election of the King of the Romans.

WE declare by this present Edict, That when there shall be Occasion to choose a King of the *Romans*, or an Emperor, and our Electors shall take their Journey to the Place of the said Election, every Prince Elector shall be oblig'd to send a Safe-Guard to the Travelling Elector, that he may safely go thro' his Dominion; and further, if it's requisite, to the Place of Election; and the same shall be observ'd

serv'd at his Return, under the Penalty of loosing, for that time only, his Vote in that Election.

We also command the same to be observ'd by all other Princes, Earls, &c. of the Empire, under the Pain of loosing their Fiefs, and other their Possessions, Rights, Priviledges, and be guilty of the Imperial Ban, &c.

We likewise command, That all Cities, Towns, &c. thro' which the Electors shall pass, do furnish them with all sorts of Provisions, &c. at reasonable Rates, under the Penalties above-mention'd.

And if any Prince, Earl, &c. City, or Town, &c. shou'd lay an Ambush, or, by any kind of Treachery, stop, or hinder the Passage of an Elector, or Deputy, in going or coming to or from the Place of Election, we declare them guilty of Rebellion.

And for their greater Security, and the Performance of this Edict, our Will and Pleasure is, That all Electors, Princes, &c. oblige themselves, by their Oaths, and in Writing, to perform them *Bona fide*, under the aforesaid Penalties.

And tho' we command all Electors, &c. to give a Safe-Guard and Conduct to each Elector, or his Deputy; yet we think it necessary, however, to assign each Elector what Guards they shall have in going to, or coming back from the Place of Election.

The King of *Bohemia*, Arch Cup-bearer of the Empire, shall be guarded by the Arch-bishop of *Mentz*, by the Bishop of *Bamberg* and *Wirtbourg*, and by the *Bargrave of Nuremberg* and of *Huendo*.

The Arch-bishop of *Colen*, Arch-Councillor of the Empire in *Italy*, shall be guarded by the Arch-bishops of *Mentz* and *Triers*, by the Count Palatine of the *Rhine*, and by the Landgrave of *Hesse*, &c.

The Arch-bishop of *Triers*, Arch-Counsellor of the Empire of *Gallia*, and in the Kingdom of *Arles*, by the Arch-bishop of *Mentz*, and by the Count Palatine of the *Rhine*.

The Count *Palatine* of the *Rhine*, Arch-Master of the Empire, by the Arch-bishop of *Mentz*.

The Duke of *Saxony*, Arch-Mareschal of the Empire, by the King of *Bohemia*, and the Marquis of *Brandenburg*.

We also command, That each Elector give timely Notice to those, thro' whose Dominions he is to travel, which Way he intends to go, that they may send Safe Conducts and Guards to the Place appointed.

We likewise ordain, That the Arch-bishop of *Mentz*, for the time being, shall send his Circular Letters by Expresses to every Elector in particular, to give them Notice of the Time and Place of the said Election, which shall be *Three Months* from the Date of the Letters, when the Electors shall repair in Person, or by their Deputies, to the City of *Francfort* upon the *Meyn*. The Form of which Letters, and of the Powers given to the Deputies, shall be exhibited at the End of this present Edict.

The Arch-bishop of *Mentz* having certain News of the Death of the Emperor, or of the King of the *Romans*, shall, in a Month's time, from the Day he has receiv'd the News of the said Death, give Notice of it to all the Electors by his Circular Letters; and if the said Arch-bishop should neglect it, then the Electors, without Intimation, shall, in Three Months, repair to *Francfort* to choose an Emperor, or a King of the *Romans*. But none of the Electors, or their Ambassadors, shall enter into *Francfort*, during the Time of the Election, with more than 200 Horse; 50 of which are only to be Arm'd. And if any Elector, after having such Notice to appear, shall refuse, or neglect to come, or send his Deputies thither, with full Powers; or if, being come, he retires before the Election be made, without leaving a Deputy, he shall, for that time only, loose his Vote in Election. And that the Election may proceed regularly, we command all the Inhabitants of *Francfort*, to

to protect the Electors and their Retinues from any kind of Infult or Affronts; and if any Quarrels shou'd arise, to pacify it immediately, under Pain of Forfeiting their Rights and Priviledges. And to the End that Peace may be preserv'd, they shall not suffer any Stranger to come into their City, during the Time of the Election.

S E C T. II.

The Election of a King of the Romans.

THE Electors having made their Entry into the City of *Francfort*, shall go in a Morning to the Church of St. *Bartholomew* the Apostle; and having assisted at the Mass of the Holy-Ghost, the Gospel of St. *John* being laid before them, the Ecclesiastical Electors laying their Hands on their Breasts, and the Secular Electors laying their Hands on the Gospel, the Arch-bishop of *Mentz* shall administer to them, and take with them the following Oath :

I A. B. Arch-bishop of Mentz, Swear upon this Holy Gospel, and by the Faith I owe to God and the Holy Roman Empire, that according to my best Abilities, and with the Help of God, I will Elect such a Person for King of the Romans, whom I shall think worthy of that Dignity, and that without any Sollicitation, private Interest, Hopes of Reward, Promise, or Expectation whatsoever: So help me God and his Saints.

After having taken the said Oath, the Electors shall proceed to the Election, and shall not go out of *Francfort* till the Election be made. And if in 30 Days, from the Day they began, they shall not have concluded the Election, they shall have no other Subsistence but Bread and Water, during the rest of

the Time that the Election continues, and until it be finish'd.

After the Electors, or the Majority of them, have made their Choice of a King of the *Romans*, the Election shall stand as effectually as if all of them had unanimously Voted for the same Person. It is also provided, That if an Elector, or his Deputy, shall come to *Francfort* after the Election is begun, he shall, however, be admitted to the Election.

The King of the *Romans*, soon after his Election, and before he administers any Affairs of the Empire, shall, by his Letters Patents, confirm (without delay) the Priviledges, Rights, &c. of the Electors, Princes, Towns, which they enjoy'd before his Election, and shall do the same if he comes to be Emperor.

We also decree, That in case Three Electors Present, or the Ambassadors of the Absent, shall make Choice of an Elector Present, or Absent, to be King of the *Romans*, the Vote of the Elected, if he is Present, or the Vote of his Ambassador, if he is Absent, shall prevail, and make the greater and decisive Number.

S E C T. III.

The Places of the Arch-bishops of Trier, Cologne, and Mentz.

TO prevent Disputes and Differences which may arise between the Arch-bishops of *Mentz*, *Colen*, and *Trier*, about Precedency in Imperial and Royal Assemblies; We, by and with the Consent, and Advice of all the Electors, have Ordain'd, by this present Edict, which shall continue in Force for ever, That the Arch-bishop of *Trier* shall sit over-against the Emperor; he of *Mentz* shall sit in any Country whatsoever, the Province of *Colen* excepted, on the Right-Hand of the Emperor; and he of *Colen* upon the Right-Hand also.

S E C T.

S E C T. IV.

Of the Princes Electors in general.

WE likewise decree, That whensoever the Emperor, or the King of the *Romans*, shall be Present in the Imperial Assemblies, or shall sit in Council, at Table, or in any other Place with the Electors, the King of *Bohemia*, as a Crown'd Head, shall sit next to the Arch-bishop of *Mentz* or *Cole*; the Count *Palatine* next to him; the Duke of *Saxony* shall sit on the Emperor's Left-Hand, next to the Arch-bishop, sitting on the Left-Hand; and the Marquis of *Brandenbourg* next to the Duke of *Saxony*. The Elector of *Mentz*, when the Empire is vacant, shall have Power, alone, to Summon Electors to the future Election, and shall receive their Votes after the following manner. He shall first ask the Opinion of the Elector of *Triers*, whom we declare shall have Power to give the first Vote; then the Arch-bishop of *Cole*; thirdly, the King of *Bohemia*; fourthly, the Count *Palatine*; fifthly, the Duke of *Saxony*; sixthly, the Elector of *Brandenburgh*; and lastly, the Arch-bishop of *Mentz* shall give his Vote.

In performing the Ceremonies at the Imperial, or Royal Feasts, the Marquis of *Brandenburgh* shall give Water to wash the Emperor's Hands and the King of the *Romans*; the King of *Bohemia* shall give the Cup; the Count *Palatine* shall bring in the Dish of Meat, and the Duke of *Saxony* shall act as High-Mareschal of the Empire.

S E C T. V.

The Rights of the Count Palatine, and Duke of Saxony.

WHEN the Imperial Throne is vacant, the Count *Palatine* shall be *Vicar of the Empire*, in the Parts on the *Rhine*, *Swabia* and *Franconia*, with full Power

Power to administer Justice, to nominate Persons to all Ecclesiastical Preferments, to receive the Revenues of the Empire, to give the Investiture of all Fiefs, and to take their Oaths and Homage in the Name of the Empire; Nevertheless, they shall be renew'd by the King of the *Romans* after he is Elected; But the Fiefs of Princes, the Fiefs invested by the Delivery of a Standard, shall be given only by the Emperors, or the Kings of the *Romans*; and the Count *Palatine*, during his Administration, shall have no Power to alienate any Thing belonging to the Empire.

The Duke of *Saxony* shall also have the same Power, and on the same Conditions, in all Places where the *Saxon* Law is observ'd: And tho' by an antient Custom, the Emperor and the King of the *Romans* are oblig'd, being su'd at Law for Debt, to give their Answers before the Count *Palatine*; yet that Count shall not exercise that Jurisdiction in any Place but in the Imperial Court, where the Emperor and the King of the *Romans* shall be present.

S E C T. V I.

The Precedence of the ELECTORS above all the other Persons.

WE Ordain, That, in all Ceremonies and Imperial Assemblies, all the Princes Electors shall precede every other Prince of what Quality and Dignity soever; and that the King of *Bohemia* shall have Preheminency and Place before any other King whatsoever,

S E C T.

S E C T. VII.

The Succession of the Electors.

TO prevent all Cäuses of Offence and Differencies between the Sons of the Secular Electors, concerning the Right Election, and the Dangers of long Delays, we decree, by this perpetual Edict, That in Case one of the said Electors should Die, his Eldest Son being Legitimate, and Secular Prince, shall, *Ipsa factio*, have the same Electoral Right his Father had, and in Case the Eldest Son shou'd Die, his Eldest Son being a Secular, shall succeed him in the said Right; and if the Eldest Son has no Issue, his younger Brother, legitimate and secular, shall have the same Power; and the Succession, so regulated, shall continue for ever; But if the Elector, or his Rightful Successors, leave Male Children that are Minors, the next of Kin shall administer the Office till the Heir be of full Age, and then the Administrator shall immediately surrender the Power and Office of Elector, which he held in their Names. And if any of his Dominions shou'd be vacant to the Profit of the Empire, the Emperor, or the King of the *Romans*, shall dispose of them as they please, without Prejudice to the Privileges of the Subjects of *Bohemia*, who have Right to Elect themselves a King.

S E C T. VIII.

The Priviledges of the Subjects of Bohemia.

AS the Priviledges granted by our Predecessors, and confirm'd by us to all the Subjects of *Bohemia*, viz. That none of them, under any Pretence whatsoever, shall be summon'd out of that Kingdom, to appear before any other Court, but that of the King

King of *Bohemia*, we do determine that if any of the said Subjects shall be summon'd to appear before any other Court, they shall not be oblig'd to appear; and all Judgments given against them for not Appear-ing shall be void: Nor shall the said Subjects have Power to appear, in any Case, to any other Court, but to that of their King; and if they do, the Sen-tence of all other Tribunals shall be declar'd Null and Void, to all Intents and Purposes.

S E C T. IX.

The Gold and Silver MINES and other METTALS.

WE hereby Order, That the Kings of *Bohemia*, and all the Electors, shall quietly possess all the Gold and Silver Mines, and those of other Met-tals, Saline, with the Profits of Salt, and Springs al- ready found, and those that shall be found hereafter in their own Dominions; shall have Power to receive *Yers* in their Dominions, and raise Taxes and Cu-toms, &c. as they have done in Time past.

S E C T. X.

The Coin.

THE King of *Bohemia* shall have Power to coin Gold and Silver in all his Dominions; to pur-chase Castles, Lands, &c. take Martgages, &c. on Condition, That those Estates shall pay the usual Dut-ies to the Empire, which Power we also grant to all the Electors and their Successors under the same Con-dition.

S E C T.

S E C T. XI.

The Election of the Princes Electors.

WE also decree, That all the Subjects of the Electors of *Cole*, *Mentz*, and *Trier*, shall appear only, in all Causes whatsoever, before their Princes Courts, and no where else; and that Sentences given against them in other Courts shall be Null and Void. Also, That none of the Subjects of those Electors shall Appeal from the Judgment of their Courts; and if any do, those Appeals shall be Void. But if Justice be deny'd to the said Subjects, by their Princes, they shall then have Liberty to appeal only to the Imperial Court. The same Right is hereby granted also to all other secular Electors and their Successors, and to their Subjects, under the same Limitations.

S E C T. XII.

The Assemblies of the Electors.

WITH the Advice of all the Electors Princes, now assembled at *Nuremberg*, We have ordain'd, That the said Electors, for the future, shall meet, in Person, in one of our Imperial Cities once a Year, a Month after *Easter*, and that, for this present Year, we shall hold such an Assembly at that Time in our City of *Mentz*, and then will appoint a Place where we shall meet again the next Year; and do promise to protect and guard the Princes going to, or returning from the appointed City. And that the Dispatch of Affairs may not be delay'd by the usual Feasts happening in those Assemblies, we command that no general Entertainment be made, but private and moderate Treats only.

S E C T. XIII.
Of Priviledges, &c.

WE, by this present Edict, do declare, That all the Priviledges granted by Us, or by the Emperors, and Kings of the *Romans*, our Predecessors, to any Body of what Quality soever, Cities, Towns, &c. or to be granted hereafter, shall in no way prejudice the Liberties and Jurisdictions of the Electors, tho' it is expressed in the Grants of those Priviledges that they shall not be revoked.

S E C T. XIV.

Of those that are depriv'd of the Feudatory Estates.

Forasmuch as in many Places of the Empire, Vassals resign and renounce the Fiefs which they hold of their Lords, and that after such a Renunciation they claim a Right to declare War, and seize the same Fiefs against the Rights of their Lords, we declare these Renunciations to be void, except they be legally and freely made, and that whoever shall act to the contrary, or under that Pretence, shall trouble their Lords, shall lose their Fiefs, be declared infamous, be put to the Ban of the Empire, and shall be declared uncapable to possess those Fiefs again, and we order the Investiture given to them, of no Effect.

S E C T. XV.

Of Conspiracies.

WE condemn and declare null and void all Conspiracies, and unlawful Assemblies, under any Manner of Pretences, held without Consent of their Superiors

Superiors, those excepted only, which are held for the preservation of the publick Peace against them; and those who, for Time to come, shall make such unlawful Conventions, besides the Pains express'd against them by the Laws, shall be declar'd infamous; adjudg'd to pay ten Pounds in Gold, and if a City, 100 Pounds of Gold, one Moiety to the Emperor, and the other to their Lord.

S E C T. XVI.

Halburgers, or those who have lost their Freedom.

Being inform'd that several Burgers and others, in Contempt of their natural Duty to their Superiors have in Time past, and to this Day, continue to make themselves Burgers and Subjects of other Cities and Towns, to defraud their natural Lords of their Rights over them, we, by Advice of the Electors, Princes, &c. have decreed, by this present Constitution, That such Subjects shall no way enjoy the Priviledges of the Cities, &c. where they have bought their Freedoms to the Prejudice of their natural Superiors, unless they actually reside in those Cities, notwithstanding any Priviledges obtained by them to the contrary; which we declare null; and whoever shall transgres this Law, for the future, shall pay 100 Marks of pure Gold, one Moiety to the Empire, and the other to the Lords.

S E C T. XVII.

Of Challenges.

WE declare, That those who, under Pretence of a just Cause, challenge any Person in a Place which is not his ordinary Abode, shall have no Power

to spoil his Lands, or burn his Houses: And that those kinds of Challenges are unlawful, unless they be made publickly, and before sufficient Witnesses; otherwise he that sent the Challenge shall be noted of Infamy, and punish'd as a Traytor by our Judges. We also forbid private Wars, Burnings, unlawful Impositions, and Exactions for Safe Conduct under the aforesaid Penalties.

S E C T. XVIII.

*The Tenor of Letters of Summons to the Place
of Election of the King of the Romans.*

TO the most illustrious Prince, Lord, &c. the Marquis of *Brandenburg*, High Chancellor of the Holy *Roman Empire*, our Colleague and dear Friend: We hereby give you Notice of the Election of the King of the *Romans*, which, for good Reasons, ought to be immediately; and therefore invite you, according to the Duty of our Office, and the Customs of the said Electors; That in three Months Time, from the Date of such a Day, you come your self, or send your Ambassadors, or Proxies, one or more, with full Powers to the appointed Place, to advise, treat, and agree (according to the sacred Laws made for that Purpose) with other Princes, your and our Colleagues about the Election of a King of the *Romans*, who shall hereafter, by the Grace of God, be Emperor; and to stay in the same Place till the Election be over, and to act as is order'd by the sacred Laws establish'd for that Purpose, and if you fail we shall proceed to the Election with the rest of your and our Colleagues, according to the Authority of the said Laws, notwithstanding you, or your Ambassador's, Absence.

S E C T.

S E C T. XIX.

The Form of a Deputation to be given to the Elector who sends his Proxy.

WE, by the Grace of God, &c. and of the Holy Empire, &c. Be it known to all, That for just and reasonable Causes the Election of the King of the *Romans* is to be speedily made; and since we earnestly desire, as we are oblig'd in our own Honour, and the Honour of the Empire, it may not be exposed to any Danger by Delay: We being fully perswaded of the Fidelity and Prudence of our dear and well-beloved *N. N.* have nominated and appointed them to be our true, lawful, and special Proxies, to advise and agree with the rest of our Colleagues about the Election of a Person fit to be King of the *Romans*; and to take, in our Names, the necessary Oaths, and do every Thing respectively, as if we were Personally present, promising to ratify and confirm what shall be concluded by them in our Names.

S E C T. XX.

Of the Union of the Principality of the Electors, and of the Priviledges annex'd to them.

FORasmuch as the Right of the Election of the King of the *Romans* is inseparably united to the Principalities of the Electors; and as the same Right cannot fall but to those who possess those Principalities, We decree, by this perpetual Edict, That the Right of Election shall be always so united to the said Principalities, that whoever shall be in Possession of them, shall also enjoy the Right, Office, &c. of an Elector, any Thing done heretofore to the contrary notwithstanding.

S E C T.

S E C T. XXI.

The Order for the Ranks of the Arch-Bishops.

Having already order'd the Precedence among the Ecclesiastical Electors in Council, at Table, &c, we now think fit to prescribe the Order to be observ'd in Processions, and other publick Marches.

Whenever the Emperor, or the King of the *Romans*, shall march out in State, the Arch-bishop of *Triers* shall immediately go before the Emperor, or the King of the *Romans*, no Body Marching between them, but the Princes who bear the Imperial Ornaments; but when the Emperor, or King, marches without the said Ornaments, then the same Arch-bishop shall march directly before the Emperor, or the King, no Person between them; and the other two Arch-bishops shall, in Procession, have the same Place before assigned them.

S E C T. XXII.

Of the March of the secular Electors.

IN all Processions and other Solemnities, where the Imperial, or Royal Ornaments are born, the Duke of *Saxony*, bearing the Imperial Royal Sword, shall immediately precede; the Emperor having on his Right-Hand the Count *Palatine*, bearing the Globe, and on his Left the Marquis of *Brandenburg*, bearing the Scepter; the King of *Bohemia* shall immediately follow the Emperor.

S E C T. XXIII.

AND the first consecrated Arch-bishop shall have the Precedency in Pronouncing the Blessings at the End of every solemn Mass.

S E C T,

S E C T. XXIV.

*The following Laws were Publish'd in the Dyet of
Mets, on Christmas-Day, in the Year 1356.
by Charles the IV. Emperor, by the Electors
present, Theodore, Bishop of Alba, Cardinal,
and Charles, Eldest Son of the King of France,
Duke of Normandy, and Dauphin of Viènnois.*

IF any Person shall Attempt, or by Oath Promise and Engage in any Conspiracy against the Life of any of the Electors of the Empire, he shall be put to Death, and all his Goods and Estate forfeited, as in Cases of High Treason: For the Electors being part of our own Body, the Will shall be punished with the same severity, as if the Fact had been Committed. The Son of the Traytor shall loose his Maternal Inheritance, and in all other Inheritances whatsoever, the Daughters shall have only the Fourth part of their Maternal Estate. The Accomplices of the said Traytors, and their Sons, shall suffer the same Punishments, unless they discover the Treason in the beginning of the Conspiracy, and then they shall be Pardon'd, and Reward'd: But if the Traytor shall be Dead before the Discovery, his Estate shall, nevertheless, be forfeited; and whoever is guilty of such Treason, from that very Time, shall be uncapable to sell or mortgage his Estate; to free his Slaves; or demand any Debts that are due to him.

S E C T. XXV.

*The Preservation of the Principalities of
the Electors.*

WE Ordain, by this present Constitution, That the Principalities of Bohemia, the Palatinate, Saxony, and Brandenburg, with all their Dependencies, shall

shall never be divided; but be preserv'd entire, and that the Eldest Son shall Succeed to them, unless he is *Non-Compos MENTIS*, and uncapable to Govern; for in such Cases the Second Son shall succeed him, or the Next of Kin, by his Father's side.

S E C T. XXVI.

The Imperial Court.

THE Day being appointed on which the Emperor, or the King of the *Romans*, shall hold the Imperial Court, all the Electors shall be ready at the Imperial, or Royal Palace, where the Emperor, or the King, in their Robes, shall ride on Horse-back, with all the Electors, to the Place of the Court, every one after the Order and Manner above prescrib'd; the Arch-Chancellor bearing at the Top of his Silver Staff, the Imperial, or Royal Seals: The other Electors, the Scepter, &c. as it is Order'd before. Other Princes named by the Emperor shall march immediately before the Arch-bishop of *Triers*, bearing the Crown of *Aix la Chappelle*, and the Crown of *Milan*, which shall only be observ'd when the Emperor shall wear his Imperial Crown. The Empress also, or the Queen of the *Romans*, in their Robes, shall go after the Emperor, the King of the *Romans*, and the King of *Bobemia*, attended by her Officers and Maids of Honour.

S E C T. XXVII.

The Offices of the Electors, during the Sessions of the IMPERIAL COURT.

EVERY time the Emperor, or the King of the *Romans*, shall keep a solemn Court, the Electors perform their Offices after the following Manner.

tier. The Emperor sitting on his Throne, the Duke of *Saxony* being on Horse-back before the Gate of the Palace, a heap of Oats shall be prepared as High as the Horse's Breast, and the Duke having his Silver Staff, and a Measure of Silver, both weighing twelve Marks; the Duke shall fill the Measure with Oats, and give it to the next Groom of the Stables, then, planting his Staff in the Oats, he Retires, and the Vice-Mareschal, or the Mareschal of the Court approaching, they leave the Oats as Plunder to all that can take them.

The Emperor, or King of the *Romans*, sitting down, the Ecclesiastical Electors shall bless the Table; then the Arch-Bishops, or one of them, bearing the Seals at the Top of the Silver Staff, shall put them upon the Table, and the Arch-bishop, in whose Diocese the Court is held, shall take the broadest Seal and hang it about his Neck during Dinner Time. The Staff and the Seal shall belong to the Chancellor of the Court to dispose of as he pleases.

Then the Marquis of *Brandenburg*, on Horse-back, having in his Hands a Silver Basin and Ewer with Water and a Napkin, shall pour out Water to wash the Emperor's Hands.

The Count *Palatine*, on Horse-back, bringing in Four Dishes of Meat, shall set them on the Table. After them the King of *Bohemia*, being on Horse-back, and bearing a Silver-Cup cover'd full of Wine and Water, shall Dismount, and, Kneeling down, present it to the Emperor, or to the King of the *Romans*.

S E C T. XXVIII.

Of the Imperial and Electoral TABLES.

THE Imperial, or Royal Table shall be six Foot Higher than any other Table in the Hall, and in solemn Assemblies no Body shall sit at them but

the Emperor, or the King. The Table of the Empress, or the Queen, shall be on one Side, and three Foot lower than the Emperor's, but three Foot higher than that of the Electors : The Tables of the Electors shall be all Equal of the same Height, and sit below the Emperor's Table ; three on the Right, three on the Left Side, and the seventh over-against the Emperor's, but no Elector shall sit at his Table, till they have all perform'd their Offices, and then they all sit down at the same time.

According to antient Custom, the Election shall be made at *Francfort*, the Coronation at *Aix la Chappelle* ; and the first Court shall Assemble at *Nurembourg*.

If an Elector, for weighty Reasons, shall be Absent, his Proxy, or Deputy, shall not sit at the Elector's Table.

We also strictly Order, That the Successors of the Princes Electors, at seven Years of Age, shall Learn the *Latin, Italian, and Sclavonian Tongues*.

CHAP. VI.

The Rights of the House of Austria to the Monarchy of Spain.

THE Duke of *Anjou*, having, by the Assistance of the *French* King, his Grand-Father, ascended the Throne of *Spain*, by Virtue of a Pretended Will, made by King *Charles II.* King of *Spain*, the Emperor *Leopold I.* put out a Manifesto to assert his Right to the whole *Spanish* Monarchy : Which contain'd in Substance what follows.

THAT 'tis confessed by all, except the *French*, That the most Christian King, and all his Descendants, are excluded from the Succession of *Spain*, by

by vertue of the Renunciations of the Infanta's *Ama* and *Maria Theresia*; the first being a Daughter of *Philip III.* and Wife to *Lewis XIII.* and the other Daughter of *Philip IV.* and Royal Consort to *Lewis XIV.* That the said Renunciations having been confirmed by several subsequent Agreements between *France* and *Spain*, it seemed impossible, for any Man, in his Wits, to believe, That ever any Body should be so impudent, as to act contrary thereunto.

That it was a most surprizing thing, that *France* should perswade other Princes to enter into a Treaty for dividing the *Spanish* Monarchy, while *Charles II.* was yet alive; and that all the Princes and States of *Europe* should be desired to give their Approbation thereof; That, soon after, King *Charles*, when wasted by Sickness, signed, as well as he could, a Testament, contriv'd by others, as the only Means to prevent the intended Division of his Dominion, and called the Duke of *Anjou* to the Succession; which Disposition being approved by the King of *France*, he sent, forthwith, the said Duke to *Spain* to take Possession of the whole Monarchy, and to extort from the Governors of the *Spanish* Dominions an Oath of Fidelity. That the Injustice of *France*, done hereby to the House of *Austria*, is so great and notorious, that the Emperor is forced to right himself, and to re-establish the publick Tranquility.

That in antient Times, when Monarchies were introduced, the Succession was constantly confined to the Royal Families, and the Females were admitted to, or excluded from the Succession, according to the respective Agreements and Consent of those concern'd. That *France* did antiently exclude the Female Line; and on the other hand, *Spain* call'd Spinsters to the Succession, provided they did not Marry *French* Men, &c. That the Infanta's *Maria* and *Theresia*, tho' they shou'd have become Widows, were uncapable of the Succession of *Spain*, together

with their *French* Off-spring, pursuant to the Laws and Customs of *Spain*, &c. That *Phillip III.* made a Provision in the Treaty of Marriage, concluded at *Madrid* in 1612, between *Anna of Austria* and *Louis XIII.* That the Infanta should content herself with her Dowry, and remain excluded, with her Posterity, from the Succession of *Spain*; which Renunciation was Sworn to by both of them, and Registered in the Courts of Justice, both of *France* and *Spain*; and was confirm'd by the States of *Spain* in 1618, by a standing Law. The same was agreed on in the Marriage Contract, in 1659, between the Infanta *Maria Theresa*, and the Present King of *France*, who both of them Swore to the Performance thereof, and Renounced all Tricks of Law, as those of Exception, Restitution, Absolution, and Dispensations of the *Pope*, and Declared, moreover, That the Subjects of *Spain* shou'd be allow'd to Oppose, by Force, any Attempts contrary to the Renunciation.

This Treaty of Marriage was confirm'd and corroborated in all its Articles by the *Pyrenean Peace*; and some *French* Scribblers do pretend that Cardinal *Mazarini* consented to the Renunciation and Exclusion above mention'd, without a full Power so to do. But the Contract of Marriage it self shews the quite contrary, as does likewise the *French* King's Ratification thereof; and tho' His most Christian Majesty did not perform his Promise of causing the same to be Registered in the Acts of the Parliament at *Paris*, yet this his Neglect and Perfidiousness does no ways prejudice the said Treaty, as 'twas expressly stipulated before-hand.

That it seem'd impossible for any Man to believe that *France* shou'd ever have made the least Pretension to any part of *Spain*, had not Experience evidenced the same; *France* pretends, that Inheritances descend by all Laws to the Children, and the Daughters cannot be deprived thereof without Manifest Injustice,

justice. That the Contracts made about the Possessions of a Person yet alive, are against good Manners, and the Renunciations made by Daughters, of their Inheritance, are of no Force in the Civil Law. And that notwithstanding Pope *Boniface VIII.* allows of such Renunciations, when they appear to be fair and unextorted, yet he did it purely to shew his Authority in a Case quite different from the Question in Hand. That the aforesaid Renunciation is exorbitant and absurd; and seeing the same affects Kingdoms and Principalities, cannot be of any Validity, as being contrary to Reason and Laws, and made by Persons under Age; and besides, the Dowry of the Infanta was not delivered in the appointed time, and consequently her Right to the Succession is reviv'd.

The *Spaniards* on the other Hand alledge, That in Case of any Disputes about the Succession of Kingdoms, regard must be had to what has been previously stipulated in every Kingdom, by such as are concern'd therein, and likewise to the Agreements made betwixt Princes, with the Consent of their Subjects; That the Infanta *Theresia*, at the time when the Treaty of Marriage was concluded, was of such an Age, as both *France* and *Spain* judged to be capable of the Government. That *France* had made no scruple to alter the antient Methods of Succession, to reduce all the Provinces into one compact Body, to content the Younger Sons with Appanages, and the Daughters with Dowries, and to look upon such Renunciations as have been formerly made against the Interest of *Spain*, as lawful and binding, as appears in the Case of *Elizabeth of Bourbon*, first Wife to *Phillip IV.* who was oblig'd to renounce, for herself and Posterity, the Succession of her Father's Domains, and of the Inheritance of her Mother, the Queen of *France*. That *Spain* may make use of the same Right, and with more Reason against *France*; That the Law of Nature is so far from ascertaining

the

the Inheritances of Parents, Brothers, &c. that, on the contrary, Parents are bound only to give their Children Education and Maintenance; and the Mo-
saical Laws does absolutely debar the Female Sex of the Succession of the Government of Kingdoms. The old *Romans* proceeded yet further, for they not only denied the Women the Administration of publick Offices, but forbid any Parent to Declare his only Daughter his Universal Heir, tho' in other Respects he was at full Liberty to dispose of his Possessions according to his Pleasure.

That the Feudal Laws, especially about the Fiefs of the Empire, do very much thwart the Interest of the Female Sex; That the Agreements and Dispositions concerning the Inheritances of Persons who are yet alive, are said to be against good Manners, upon a supposition that the Death of such Persons are commonly wished for, and are of no Force, if made without their Knowledge and Consent; but the Case is quite different, if the Person concerning whose Inheritance any Agreement has been made by others, shall approve the same to his dying Day; That the Laws about the Renunciation and Recovery of Fiefs are, of late Years, made much clearer than they were formerly; That the *French* Lawyers and Courts have frequently declared, That the Renunciations of Daughters for the Preservation of Noble (even particular) Families, are not revocable on account of their Minority, or otherwise: That Women are bound, both by the Canonical and Civil Laws, to Perform punctually such Oaths as were taken by them, during their Minority: That the *French* cannot pretend to Annul the Renunciation of the above-named Infanta, on account of the smallness of her Dowry, in regard the same was far greater than ever any Spanish Princess had, besides, the *French* Court ought to reflect upon the Advantages which accrued to them by the *Pyrenean* Treaty, and were confirmed by

by the Marriage Contract. That the Reasons why the said Princess had not her full Dowry, was, because she and the *French* King did not, after their Marriage, renew the Oath as they were oblig'd to do; That the pretences and colours which are made use of by the Lawyers, employed by *France*, are altogether impertinent and groundless.

That the right of the House of *Austria* to the Succession of the Whole Monarchy of *Spain* has been so often renewed and confirmed, that it cannot be altered by *Philip* and his Ministers, much less by a Testament which was contriv'd and foisted in, under the Notion of *Charles* II. That it seems most unlikely, that this Prince, during his Health, had expressed such great Affection for his Family and Kindred, shou'd have broke (if in his Wits) so many solemn Promises which he made, a little before his Death, to the Emperor; and that therefore the whole Contrivance was owing to his Faithless Ministers; That the Renunciations were declared Valid by the Testament, as being Agreed on to prevent a Coalition of the Kingdoms of *Spain* and *France*. In fine, That the Infanta's, with their Posterity, are excluded from the Succession, as well by the aforesaid Renunciations, as by the antient and standing Laws of *Spain*; That 'tis not to be doubted but King *Charles* II. (tho' he should have made this Disposition) contrary to the former Treaties and Testaments, would soon have revoked the same, after he should have been convinced of the Falsity of the Reasons alledged therein; That therefore the Dukes of *Anjon* and *Berri* cannot be said to be called to the Succession, and that 'tis the greatest piece of Injustice imaginable to call thereunto, after them, the Archduke *Charles*, and to prefer him before the King of the *Romans* and his Issue; and in the last Place, to call the Duke of *Savoy* before the Princesses of *Austria*. That the Duke of *Savoy* has a Right to the Succession immediately after the House of *Austria*; that

that the Contrivers of this new Law, go about to deprive the House of *Austria* of their Right; and that the Clause in the pretended last Will about the Marriage of his Successor, is only inserted to quiet the Conscience of *Charles II.* and to make some Reparation for the Injustice done to the House of *Austria*, but that God will avenge the same in due Time; and lastly, That 'tis hop'd the Guarnds of the Pyrenean Treaty, and other Princes and States of *Europe*, will be rouzed up, and effectually assist his Imperial Majestie, to bring the oppressed *Spanish* Nations to their former Obedience, Liberties and Priviledges.

F I N I S.
